

AMENDED IN ASSEMBLY JUNE 4, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1134

Introduced by Assembly Member Spitzer

February 21, 2003

An act to amend and repeal Section 46601.5 of, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1134, as amended, Spitzer. Education: interdistrict transfers.

Existing law requires the governing boards of any 2 school districts that have been requested by a pupil's parent or legal guardian to enter into an agreement for interdistrict attendance to give consideration to the child care needs of the pupil in considering that request. Existing law requires the governing board of a school district that has entered into an agreement for interdistrict attendance of a pupil based upon child care needs and the governing board of any high school district whose feeder elementary school has entered into such an agreement, to allow that pupil to remain continuously enrolled in the school district of choice and to attend school through the 12th grade in the same district, subject to specified provisions. Existing law makes these provisions inoperative on July 1, 2003.

This bill instead would make those provisions inoperative on and after July 1, ~~2009~~ 2008, and would repeal the provisions on January 1, ~~2010~~ 2009. Because the bill would continue, until January 1, ~~2010~~ 2009, the requirement for a governing board of any high school district whose feeder elementary school entered into an interdistrict transfer

agreement based on a pupil's ~~child care~~ *child care* needs to allow that pupil to attend school in that district through the 12th grade if certain requirements are met, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 46601.5 of the Education Code is
2 amended to read:

3 46601.5. (a) The governing boards of any two school
4 districts that have been requested by a pupil's parent or legal
5 guardian to enter into an agreement for interdistrict attendance
6 pursuant to Section 46600 shall, in considering that request, give
7 consideration to the child care needs of the pupil.

8 (b) The governing board of any school district that has entered
9 into an agreement for the interdistrict attendance of a pupil based
10 on that pupil's child care needs shall allow that pupil to remain
11 continuously enrolled in the school district of choice if the parent
12 or guardian so chooses, subject to paragraphs (1) to (6), inclusive,
13 of subdivision (f) of Section 48204.

14 (c) The governing board of any high school district whose
15 feeder elementary school has entered into an agreement with
16 another school district for the interdistrict attendance of a pupil
17 based on that pupil's child care needs shall allow that pupil to
18 continue to attend school through the 12th grade in the same



1 district if the parent or guardian so chooses, subject to paragraphs
2 (1) to (6), inclusive, of subdivision (f) of Section 48204.

3 (d) This section is inoperative ~~on and after July 1, 2009, and as~~
4 ~~of January 1, 2010, on and after July 1, 2008, and as of January~~
5 ~~1, 2009~~, is repealed, unless a later enacted statute, which becomes
6 effective on or before January 1, ~~2010~~ 2009, deletes or extends the
7 dates on which it becomes inoperative and is repealed.

8 SEC. 2. Notwithstanding Section 17610 of the Government
9 Code, if the Commission on State Mandates determines that this
10 act contains costs mandated by the state, reimbursement to local
11 agencies and school districts for those costs shall be made pursuant
12 to Part 7 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the claim for
14 reimbursement does not exceed one million dollars (\$1,000,000),
15 reimbursement shall be made from the State Mandates Claims
16 Fund.

17 SEC. 3. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety
19 within the meaning of Article IV of the Constitution and shall go
20 into immediate effect. The facts constituting the necessity are:

21 In order to maintain the status of existing law governing
22 interdistrict transfers, it is necessary that this act take effect
23 immediately.

